

Traci L. Shafroth (S.B.N. 251673)  
traci.shafroth@kirkland.com  
KIRKLAND & ELLIS LLP  
555 California Street, 27th Floor  
San Francisco, California 94104-1501  
Telephone: (415) 439-1400  
Facsimile: (415) 439-1500

Michael P. Foradas (admitted *pro hac vice*)  
michael.foradas@kirkland.com  
Renee D. Smith (admitted *pro hac vice*)  
renee.smith@kirkland.com  
Andrew P. Bautista (admitted *pro hac vice*)  
andrew.bautista@kirkland.com  
KIRKLAND & ELLIS LLP  
300 North LaSalle  
Chicago, Illinois 60654  
Telephone: (312) 862-2000  
Facsimile: (312) 862-2200

Attorneys for Defendant  
ABBOTT LABORATORIES

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

STEPHEN WENDELL AND LISA WENDELL,  
for themselves and as successors in interest to  
MAXX WENDELL, DECEASED,

Plaintiffs,

v.

JOHNSON & JOHNSON; CENTOCOR, INC.;  
ABBOTT LABORATORIES; SMITHKLINE  
BEECHAM d/b/a GLAXOSMITHKLINE; TEVA  
PHARMACEUTICALS USA; GATE  
PHARMACEUTICALS, a division of TEVA  
PHARMACEUTICALS USA; PAR  
PHARMACEUTICAL, INC.;

Defendants.

Case No: 4:09-cv-04124-CW

**DECLARATION OF TRACI L.  
SHAFROTH IN SUPPORT OF  
DEFENDANT ABBOTT  
LABORATORIES' MOTION FOR  
SUMMARY JUDGMENT**

Date: August 11, 2011  
Time: 2:00 p.m.  
Courtroom: Room 2, 4th Floor  
1301 Clay Street  
Oakland, CA 94612

Judge: Honorable Claudia Wilken

**DECLARATION OF TRACI L. SHAFROTH IN SUPPORT OF  
ABBOTT LABORATORIES' MOTION FOR SUMMARY JUDGMENT**

I, Traci L. Shafroth, declare:

1. I am a member in good standing of the State Bar of California and am admitted to practice before the Northern District of California federal courts. I am an associate in the San Francisco office of the law firm Kirkland & Ellis LLP and represent Abbott Laboratories. I have personal knowledge of the facts set forth in this declaration, and if called to testify, I could and would be able to testify competently thereto.

2. A true and correct copy of the relevant pages of the transcript of the April 11, 2011 deposition of Dr. Edward J. Rich taken in this matter is attached hereto as Exhibit 1.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 7th day of July, 2011, at San Francisco, California.

/s/ Traci L. Shafroth  
Traci L. Shafroth

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who have consented to electronic service are being served with a copy of the attached **DECLARATION OF TRACI L. SHAFROTH IN SUPPORT OF DEFENDANT ABBOTT LABORATORIES' MOTION FOR SUMMARY JUDGMENT** via the CM/ECF system on July 7, 2011, or via overnight delivery (Federal Express) to the non-CM/ECF participants listed below.

John D. Winter  
Patterson, Belknap, Webb & Tyler LLP  
1133 Avenue of the Americas  
New York, NY 10036-6710  
*Attorney for Defendants Johnson &  
Johnson and Centocor, Inc.*

Jeffrey F. Peck  
Ulmer & Berne LLP  
600 Vine Street, Suite 2800  
Cincinnati, OH 45202  
*Attorney for TEVA Pharmaceuticals, USA  
Inc.*

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED: July 7, 2011

By: s/ Traci L. Shafroth

Traci L. Shafroth  
traci.shafroth@kirkland.com  
KIRKLAND & ELLIS LLP  
555 California Street, 27th Floor  
San Francisco, California 94104-1501  
Telephone: (415) 439-1400  
Facsimile: (415) 439-1500

Attorneys for Defendant  
Abbott Laboratories